

**TITLE 11
EMPLOYEES
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**TITLE 11
EMPLOYEES**

**CHAPTER ONE
PERSONNEL BOARD**

Section 101. Board Established.

There is hereby established a Personnel Board of the Seminole Nation of Oklahoma.

[HISTORY: Ordinance No. 74-2, June 8, 1974; Ordinance No. 76-1, July 17, 1976; Ordinance No. 88-3, April 15, 1988; Codified by Law 91-12, November 16, 1991.]

Section 102. Membership.

The Personnel Board shall consist of five members of the Seminole Nation appointed by the Principal Chief and confirmed by the General Council. The term of office shall commence on date of appointment and end on September 30, 1997 and every four years thereafter. The Principal Chief shall also designate a tribal officer or employee to perform personnel responsibilities.

[HISTORY: Ordinance No. 74-2, June 8, 1974; Ordinance No. 76-1, July 17, 1976; Ordinance No. 88-3, April 15, 1988; Codified by Law 91-12, November 16, 1991; Amended by Law 94-4, March 5, 1994.]

Section 103. Removal.

Members of the Personnel Board shall be removed only for good cause pursuant to Article IX, Section 1, Seminole Constitution. In the event of any vacancy by reason of death, resignation or removal, a successor member shall be appointed by the Chief subject to approval by the General Council for the remainder of the term vacated.

[HISTORY: Ordinance No. 74-2, June 8, 1974; Ordinance No. 76-1, July 17, 1976; Ordinance No. 88-3, April 15, 1988; Codified by Law 91-12, November 16, 1991]

Section 104. Chairman.

The Board shall elect a Chairman from its membership.

[HISTORY: Ordinance No. 74-2, June 8, 1974; Ordinance No. 76-1, July 17, 1976; Ordinance No. 88-3, April 15, 1988; Codified by Law 91-12, November 16, 1991; Amended by Law 94-4, March 5, 1994.]

Section 105. Responsibilities.

The Personnel Board shall be responsible for the following personnel matters for all employees of the Seminole Nation of Oklahoma, excluding employees of gaming or other business enterprises owned or operated by the Seminole Nation and excluding managers having management agreements with the Seminole Nation for the operation of such business enterprises:

- (a) Development and approval of all personnel policies;
- (b) Oversight of activities related to recruitment, replacement and hiring, promotions, position transfers, disciplinary actions and employee benefits;
- (c) Review and ranking of applicants for job positions;
- (d) Reporting to the General Council upon request or as needed regarding proposed amendments to laws affecting personnel matters and other matters related to personnel;
- (e) Serving as hearing board for personnel grievances, including appeals of terminations of employment, provided that all personnel grievance hearings and appeals shall be conducted by the Personnel Board in a manner consistent with procedures set forth in Title 16, Section 713 of the Code of Laws of the Seminole Nation; provided that the appealing party shall have the right to be represented by legal counsel at his own expense; and provided further that the decision of the Personnel Board in such matters shall be final and unappealable to any other administrative hearing board; and
- (f) Any other function set forth in Title 11 herein.

[HISTORY: Ordinance No. 74-2, June 8, 1974; Ordinance No. 76-1, July 17, 1976; Ordinance No. 88-3, April 15, 1988; Codified by Law 91-12, November 16, 1991; Amended by Law 94-4, March 5, 1994.]

Section 106. Regulations.

The Personnel Board may adopt rules and regulations consistent with Title 11 herein and the Constitution of the Seminole Nation of Oklahoma.

[HISTORY: Ordinance No. 74-2, June 8, 1974; Ordinance No. 76-1, July 17, 1976; Ordinance No. 88-3, April 15, 1988; Codified by Law 91-12, November 16, 1991; Amended by Law 94-4, March 5, 1994.]

Section 107. Repeal.

This Ordinance and amendments shall supersede any and all previous ordinances concerning employment of personnel for the Seminole Nation of Oklahoma.

[HISTORY: Ordinance No. 74-2, June 8, 1974; Ordinance No. 76-1, July 17, 1976; Ordinance No. 88-3, April 15, 1988; Codified by Law 91-12, November 16, 1991.]

CHAPTER TWO EMPLOYEE AND OFFICER SALARIES

Section 201. Officer Salaries.

The salaries of officers of the Seminole Nation shall be as follows:

Principal Chief	\$ 77,000.00
Assistant Chief	\$ 68,000.00
Treasurer	\$ 55,000.00
Council Secretary	\$ 36,000.00

[HISTORY: Ordinance 74-1, June 8, 1974; Ordinance No. 91-07, August 29, 1991, Sec. 4; Codified by Law No. 91-12, November 16, 1991; Amended by Law No. 91-17, December 7, 1991; Amended by Law No. 92-14, September 19, 1992; Amended by Law No. 93-20, September 24, 1993; Amended by Law No. 94-12, September 3, 1994; Amended by Law No. 94-15, November 19, 1994; Amended by Law No. 95-04, June 3, 1995; Amended by Law No. 97-01A, February 3, 1997; Amended by Law No. 97-07, September 27, 1997; Amended by Law No. 98-02, November 9, 1998; Amended by Law No. 99-04, September 4, 1999; Amended by Law No. 2000-05, October 7, 2000; Amended by Law No. 2001-06, April 21, 2001; Amended by Ordinance No. 2003-12, September 6, 2003; Amended by Ordinance No. 2006-15, September 26, 2006; Amended Ordinance No. 2007-09, August 21, 2007; Amended Ordinance No. 2007-10, August 21, 2007; Amended Ordinance No. 2007-11, August 21, 2007; Amended Ordinance No. 2007-12, December 1, 2007; Amended Ordinance No. 2012-15, October 27, 2012.]

Section 202. Employees; Personnel Board Recommendations.

The Personnel Board is responsible for developing salary scales which shall set salary ranges for tribal employees. These salary range scales shall be presented to the General Council for approval by ordinance, which shall be codified in Title 11 herein. When employees are hired or promoted, the Personnel Board shall set the salary amounts in accordance with the salary range scales. Annual raises shall also be in accordance with the salary range scale and in accordance with resolutions of the General Council approving the operating budget of the Seminole Nation.

[HISTORY: Law No. 91-12, November 16, 1991.]

Section 203. Employee Salaries.

(a) There is hereby established a Salary and Wage Scale for employees of the Seminole Nation.

(b) In accordance with Section 202 of Title 11 of the Seminole Nation Code of Laws, raises given to employees of the Seminole Nation shall be in accordance with:

(1) The attached Salary and Wage Schedule approved by the General Council, and

(2) Passage of a resolution of the General Council approving the operating budget of the Seminole Nation.

(c) In addition to amounts reflected on the Salary and Wage Schedule, employees of the Seminole Nation may receive an annual three percent (3%) cost of living adjustment.

[HISTORY: Law No. 91-12, November 16, 1991; Codified by Ordinance No. 2006-14, December 9, 2006..]

Section 204. Native American Day Established.

Within the Seminole Nation, Native American Day shall be declared a government holiday and observed on the Monday immediately following Seminole Nation Days, and Seminole Nation government offices shall be closed.

[HISTORY: Ordinance No. 2010-07, September 4, 2010.]

SEMINOLE NATION OF OKLAHOMA WAGE SCHEDULE

Title 11, Chapter 2, Section 203(b)(1)

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
GRADE 1	5.15	5.30	5.46	5.63	5.79	5.97	6.14	6.33	6.51	6.71
	10,710.00	11,030.00	11,360.00	11,700.00	12,050.00	12,410.00	12,780.00	13,160.00	13,550.00	13,960.00
GRADE 2	5.79	5.97	6.14	6.33	6.51	6.71	7.02	7.23	7.45	7.67
	12,050.00	12,410.00	12,780.00	13,160.00	13,550.00	13,960.00	14,600.00	15,040.00	15,500.00	15,960.00
GRADE 3	6.51	6.71	7.02	7.23	7.45	7.67	7.90	8.14	8.39	8.64
	13,550.00	13,960.00	14,600.00	15,040.00	15,500.00	15,960.00	16,440.00	16,940.00	17,450.00	17,980.00
GRADE 4	7.45	7.67	7.90	8.14	8.39	8.64	8.90	9.17	9.45	9.73
	15,500.00	15,960.00	16,440.00	16,940.00	17,450.00	17,980.00	18,520.00	19,075.00	19,650.00	20,240.00
GRADE 5	8.39	8.64	8.90	9.17	9.45	9.73	10.02	10.32	10.63	10.95
	17,450.00	17,980.00	18,520.00	19,075.00	19,650.00	20,240.00	20,850.00	21,475.00	22,120.00	22,785.00
GRADE 6	9.45	9.73	10.02	10.32	10.63	10.95	11.28	11.62	11.97	12.33
	19,650.00	20,240.00	20,850.00	21,475.00	22,120.00	22,785.00	23,470.00	24,175.00	24,900.00	25,650.00
GRADE 7	10.63	10.95	11.28	11.62	11.97	12.33	12.70	13.08	13.48	13.89
	22,120.00	22,785.00	23,470.00	24,175.00	24,900.00	25,650.00	26,420.00	27,215.00	28,035.00	28,890.00
GRADE 8	11.97	12.33	12.70	13.08	13.48	13.89	14.31	14.74	15.18	15.63
	24,900.00	25,650.00	26,420.00	27,215.00	28,035.00	28,890.00	29,760.00	30,650.00	31,570.00	32,520.00
GRADE 9	13.48	13.89	14.31	14.74	15.18	15.63	16.11	16.59	17.08	17.60
	28,035.00	28,890.00	29,760.00	30,650.00	31,570.00	32,520.00	33,500.00	34,500.00	35,535.00	36,600.00
GRADE 10	15.18	15.63	16.11	16.59	17.08	17.60	18.13	18.67	19.23	19.81
	31,570.00	32,520.00	33,500.00	34,500.00	35,535.00	36,600.00	37,700.00	38,835.00	40,000.00	41,200.00
GRADE 11	17.08	17.60	18.13	18.67	19.23	19.81	20.38	21.00	21.63	22.28
	35,535.00	36,600.00	37,700.00	38,835.00	40,000.00	41,200.00	42,400.00	43,675.00	45,000.00	46,350.00
GRADE 12	19.23	19.81	20.38	21.00	21.63	22.28	22.96	23.65	24.36	25.10
	40,000.00	41,200.00	42,400.00	43,675.00	45,000.00	46,350.00	47,750.00	49,185.00	50,660.00	52,200.00
GRADE 13	21.63	22.28	22.96	23.65	24.36	25.10	25.85	26.63	27.43	28.25
	45,000.00	46,350.00	47,750.00	49,185.00	50,660.00	52,200.00	53,770.00	55,400.00	57,050.00	58,770.00
GRADE 14	24.36	25.10	25.85	26.63	27.43	28.25	29.11	29.98	30.88	31.81
	50,660.00	52,200.00	53,770.00	55,400.00	57,050.00	58,770.00	60,540.00	62,360.00	64,230.00	66,160.00
GRADE 15	27.43	28.25	29.11	29.98	30.88	31.81	32.76	33.75	34.76	35.80
	57,050.00	58,770.00	60,540.00	62,360.00	64,230.00	66,160.00	68,150.00	70,200.00	72,300.00	74,470.00

Effective dates of changes:

The Federal Fair Minimum Wage Act of 2007 was enacted on May 26, 2007, and it amends the Fair Labor Standards Act and included Tribes in its compliance provisions pursuant to the Uniform mandates Reform Act;

The Fair Minimum Wage Act of 2007 sets a schedule for increases in the minimum wage effective July 26, 2007 at \$ 5.85; 2008 at \$ 6.55; and 2009 at \$ 7.25

[HISTORY: Ordinance No. 2007-07, July 24, 2007]

CHAPTER THREE EMPLOYEE ANNUAL LEAVE

Section 301. Annual Leave Fund Established.

The Tribal Treasurer is hereby authorized to establish an agency fund to be known as the "Annual Leave Fund".

[HISTORY: Law No. 91-15, December 7, 1991.]

Section 302. Purpose.

The purpose of this fund shall be to act as custodian for funds to pay vested accumulated unpaid annual leave benefits.

[HISTORY: Law No. 91-15, December 7, 1991.]

Section 303. Funding.

The Executive Office is hereby authorized to accrue annual leave as it earned and when vested to make corresponding payments to the Annual Leave Fund.

[HISTORY: Law No. 91-15, December 7, 1991.]

Section 304. Employees Covered.

All employees of the Seminole Nation are covered by the provisions of this ordinance.

[HISTORY: Law No. 91-15, December 7, 1991.]

Section 305. Fund Management.

Funds are to be placed in an interest bearing account. Idle funds may be invested in short-term risk free investments with interest thereon to be used to pay for increases in annual leave benefits payable resulting from increases in the annual compensation base of employees. Expenses associated with fund management (i.e., check printing charges, service charges, etc.) are allowable expenditures of Annual Leave Fund proceeds.

[HISTORY: Law No. 91-15, December 7, 1991.]

CHAPTER FOUR

SEMINOLE NATION EMPLOYMENT RIGHTS ACT

Section 401. Title.

This law shall be entitled the "Seminole Nation Employment Rights Act."

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 402. Findings and Purpose.

(b) Findings.

The General Council of the Seminole Nation hereby makes the following findings regarding the need for and purpose of the Seminole Nation Employment Rights Act:

(1) Jobs, subcontracts and contracts in the private sector within the territorial jurisdiction of the Seminole Nation are important resources for Indian people and Indians must use their rights to obtain their share of such opportunities as they become available;

(2) Indians have unique and special employment, subcontract and contract rights, including Congressional recognition of the power of Indian tribes to impose preferential requirements on the grounds that the exemption is consistent with the federal government's policy of encouraging Indian employment and with the special legal position of Indians;

(3) Indians are entitled to the protection of federal laws concerning prevention of employment discrimination, and the Seminole Nation can and should play a role in the enforcement of such laws;

(4) The Seminole Nation has the inherent sovereign power to pass laws to implement and enforce special employment rights on behalf of Indians; and

(5) The General Council of the Seminole Nation recognizes that it is important to establish an employment rights program and office in order to use the aforementioned laws and powers to increase employment of Indian workers and businesses and to eradicate discrimination against Indians.

(c) Purpose.

(1) The purpose of the Seminole Nation Employment Rights Act is to assist in and require the fair employment of Indians, to create employment and training opportunities for members of the Seminole Nation and other Indians, and to prevent discrimination against Indians in the employment practices of employers who are doing business within the territorial jurisdiction of the Seminole Nation of Oklahoma as defined by § 303 (v) herein.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 403. Definitions.

Terms contained in the Seminole Nation Employment Rights Act shall be defined as follows:

(a) "Commerce" shall include all trade, traffic, distribution, communication, transportation, provision of services, manufacturing, production, agricultural production, building, maintenance, construction, banking, mining and energy production.

(b) "Commission" shall mean the Seminole Nation Employment Rights Commission.

(c) "Contractor" shall mean any person, company or other entity engaged in work with the Seminole Nation, its entities, agencies, or wholly-owned corporations, limited liability companies, partnerships, and businesses.

(d) "Director" means the Director of the Seminole Nation Employment Rights Office.

(e) "EEOC" shall mean the Equal Employment Opportunity Commission of the United States.

(f) "Employee" shall mean any employee, any applicant for employment, and any former employee whose employment has ceased as a consequence of or in connection with a current labor dispute or because of an unfair labor practice. The term "employee" shall not include any individual employed in the domestic services of any family or person at his home, or any individual employed by any other person who is not an employer as herein defined.

(g) "Employer" shall mean any person, company, contractor, subcontractor or other entity located in or on Seminole Nation Territorial Jurisdiction or engaged in work with the Seminole Nation, its entities, agencies, or wholly-owned corporations, limited liability companies, partnerships, and businesses employing two or more persons. For the Purpose of this Act, the term "employer" includes Seminole Nation, its entities, agencies, or wholly-owned corporations, limited liability companies, partnerships, and businesses, federal, state and county government agencies and includes contractors, and subcontractors of all other agencies.

(h) "Employment Rights Office" shall mean the Seminole Nation Employment Rights Office.

(i) "Entity" means any person, partnership, corporation, joint venture, government, governmental enterprise, or any other natural or artificial person or organization. The term "entity" is intended to be as broad and encompassing as possible to ensure applicability of Title 11, Chapter 4 herein to all employment and contract activities within the Nation's Territorial jurisdiction, and the term shall be so interpreted by the Commission and the Courts.

(j) "Government Commercial Enterprise" means any activity by the Seminole Nation or of the state government that is not a traditional government function as defined by the Internal Revenue Service.

(k) "Immediate family" means brother, sister, son, daughter, mother, father, husband, wife, step-brother, step-sister, half-brother, half-sister, or brother, sister, son, daughter, mother or father by adoption.

(l) "Indian" means any member of a federally recognized Indian tribe.

(m) "Indian owned firm or entity" means any commercial, industrial or other business which is owned by an Indian or Indians, or other Indian owned firm or entity, provided that such Indian ownership constitutes not less than fifty-one percent (51%) of the enterprise.

(n) "Indian resident on land within the territorial jurisdiction of the Seminole Nation" or "resident Indian" shall mean any Indian person who has resided on lands within the territorial jurisdiction of the Seminole Nation for not less than sixty (60) days preceding the initial date any contract for work on land within the territorial jurisdiction of the Nation is let or the initial date any employment offers are made by an employer permanently located on lands within the territorial jurisdiction of the Seminole Nation.

(o) "Local Indian" means any member of a federally-recognized tribe who resides within the territorial jurisdiction of the Seminole Nation.

(p) "Nation" means the Seminole Nation of Oklahoma.

(q) "Nation's District Court" means the District Court as defined in Title 5 , §103(f) of the Code of Laws of the Seminole Nation.

(r) "Nation's Police" means the Police as defined in Title 7, § 101(d) of the Code of Laws of the Seminole Nation.

(s) "Non-resident Indian" means any Indian who is not a resident Indian as defined by § 303(n) herein.

(t) "SNERO" means the Seminole Nation Employment Rights Office.

(u) "Territorial jurisdiction". The territorial jurisdiction of the Seminole Nation of Oklahoma shall be within the geographical boundaries established by the Treaty of March 21, 1866, 14 Stat. 755, entered into by the Seminole Nation of Oklahoma and the United States of America, including but not limited to the following property located within said boundaries: property held in trust by the United States of America on behalf of the Seminole Nation of Oklahoma; property owned in fee by the Seminole Nation of Oklahoma; restricted and trust allotments; and dependent Indian communities. The territorial jurisdiction of the Seminole Nation of Oklahoma shall also extend to all property located outside said boundaries, owned in fee by the Seminole Nation of Oklahoma or held in trust by the United States on behalf of the Seminole Nation of Oklahoma. All of said property subject to the territorial jurisdiction of the Seminole Nation of Oklahoma, both real and personal, shall be exempt from federal and state taxation, when not inconsistent with federal law.

(v) "Union" or "labor union" means any organization of any kind or any agency or employee representation committee or plan, in which employees participate and which exists for

the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

[HISTORY: Law No. 93-05, January 23, 1993;
Amended Ordinance Number 12-20, October 27, 2012]

Section 404. Establishment of Employment Rights Office.

The Seminole Nation Employment Rights Office (SNERO) is hereby established, and full supervisory authority over implementation of the Seminole Nation Employment Right Act shall vest in said office. The Employment Rights Office shall be administered by a Director in conjunction with administration of the JTPA Office of the Nation, and shall report directly to the Executive Office of the Nation.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 405. Director; Authority.

The Director of the Employment Rights office shall have the authority to:

- (a) Hire staff;
- (b) Expend funds appropriated by the General Council;
- (c) Obtain and expend funding from federal, state or other sources to carry out the purpose of the office subject to approval of the General Council;
- (d) Administer the policies, powers and duties prescribed in the Seminole Nation Employment Right Act;
- (e) Require employers to submit reports;
- (f) Establish programs subject to the General Council's approval, in conjunction with federal and tribal offices, to provide counseling and support to Indian workers, in order to assist them in retaining employment. Employers shall be required to participate in and to cooperate with such support and counseling programs.
- (g) Enforce the provisions of the Seminole Nation Employment Rights Act and enforce regulations adopted pursuant to §408 herein by issuance of cease and desist orders, imposition of fines and posting notices, provided such actions are not inconsistent with 25 USC § 1301, et.seq.; and
- (h) Take other actions as are necessary for the fair and vigorous implementation of the Seminole Nation Employment Rights Act.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 406. Seminole Nation Employment Rights Commission.

(a) Establishment of Seminole Nation Employment Rights Commission.

The Seminole Nation Employment Rights Commission is hereby established.

(b) Members.

The Commissions shall consist of a three (3) member administrative review board who shall be appointed by the Principal Chief subject to confirmation by the General Council. When the first Commissioners are appointed, one shall be appointed to serve a term ending on December 31, 1993; one shall be appointed to serve a term ending on December 31, 1994, and one shall be appointed to serve a term ending on December 31, 1995. Thereafter, each term shall be for a period of three years, commencing on January 1 of the year following the December 31 expiration date of said term. The Principal Chief shall have the authority to remove a Commissioner for cause prior to expiration of the Commissioner's term.

(c) Qualifications.

Any person who is eligible to serve as a Commissioner of the Seminole Nation Employment Rights Office.

(d) Duties.

The Commission shall have the following powers and duties:

(1) Develop and promulgate all regulations authorized to be implemented pursuant to the provisions of §408 herein;

(2) Provide oversight of the Seminole Nation Employment Rights Office;

(3) Hold hearings for the purpose of the subpoena witnesses and documents and the taking of evidence;

(4) Review and issue rulings and orders pertaining to appeals of decisions of the Seminole Nation Employment Rights Office by aggrieved parties;

(5) Enter into agreements with unions to ensure union compliance with Chapter 4 herein.

(6) Petition the Nation's District Court for orders as necessary and appropriate to enforce the decisions of the Commission or Director and any sanctions imposed by them.

(e) Quorum.

A majority of the Commission shall constitute a quorum to transact business. When a vacancy occurs in the Commission, the remaining members may exercise all the powers of the Commission until the vacancy is filled.

(f) Refusal of Commission Members.

(1) No member of the Commission shall participate in any action or decision by the Commission directly involving himself, or a member of his immediate family, or any person, business or other entity of which he or a member immediate family is an employee, or in which he or a member of his immediate family has a substantial ownership interest, or with which he or a member of his immediate family has a substantial contractual relationship.

(2) Nothing in this section shall preclude a Commissioner from participating in any action or decision by the Commission which generally affects a class of persons, regardless of whether the Commissioner or a member of his immediate family is a member of the affected class or affects the nation, a tribal enterprise, or a person or entity in a contractual relationship with the Nation or a tribal enterprise, regardless of whether the Commissioner is a member of the Nation.

(3) A Commissioner may voluntarily recuse himself and decline to participate in any action or decision by the Commission when the Commissioner, in his discretion, believes that he cannot act fairly or without bias or that there would be an appearance that he could not act fairly or without bias.

(g) Mileage and Per Diem.

Members of the Commission shall be entitled to receive, upon presentation of proper vouchers, such mileage and per diem payments as are in effect for members of other Commissions of the Nation.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 407. Regulations; Promulgation.

The Commission, assisted by the Employment Office, shall promulgate any rules and regulations necessary for implementation of the Seminole Nation Employment Rights Act, and consistent with the provisions of said act and other applicable laws of the Nation, provided that said rules and regulations are approved by the Seminole Nation Employment Rights Commission. The Commission shall insure that all rules, regulations, and guidelines that are issued provide notice to the public and further that all rules, regulations and guidelines accord affected parties' rights to due process of law. Except in cases where the Commission has determined that an emergency situation exists, the Commission shall follow the following minimal procedures in issuing all rules, regulations and guidelines:

(a) Notice of Proposed Regulations.

All proposed rules, regulations, and guidelines shall be sent to the General Council, shall be posted in at least two public places within the territorial jurisdiction of the Seminole Nation, and shall be maintained in the Seminole Nation Employment Rights Office and made available for public inspection for not less than twenty (20) days from the date notice was mailed to the General Council.

(b) Comment Period.

The Seminole Nation Employment Rights Office shall accept comment from any interested parties during the twenty (20) day notice period required in §408(a) herein.

(c) Finalization.

The Seminole Nation Employment Rights Commission shall prepare and approve final rules, regulations and guidelines following the comment period, after reviewing any comments made. The preamble to such final rules, regulations and guidelines shall state the major issues raised by the comments, if any.

(d) Effective Date of Regulations.

Following Commission approval of the final rules, regulations and guidelines, said rules, regulations and guidelines shall be posted in a public place within the territorial jurisdiction of the Seminole Nation, and shall be placed in a file in the Seminole Nation Employment Rights Office, which shall be open to public inspection.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 408. Indian Preference in Employment.

All covered employers, for all employment occurring within the territorial jurisdiction of the Seminole Nation, are hereby required to give "Indian preference" to qualified, with the first preference to local Indians, in all hiring, promotion, training, pay, benefits, and other terms and conditions of employment. Employers shall comply with all rules, regulations and guidelines applicable to Indian preference and approved by the Seminole Nation Employment Rights Commission. The Indian preference requirements contained herein shall not apply to any direct employment by the Nation or by the federal, state or other governments or their subdivisions. It shall apply to all contractors or grantees of such governments and to all commercial enterprises operated by such governments.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 409. Indian Preference in Contracting.

All entities awarding contracts or subcontracts for supplies, services, labor and materials in an amount of \$5,000 or more where the majority of the work on the contract or subcontract will occur within the territorial jurisdiction of the Nation, shall give preference in contracting and subcontracting to qualified entities that are certified by the Commission as fifty-one percent (51%) or more Indian-owned and controlled, with a first preference to qualified entities that are fifty-one percent (51%) or more owned and controlled by local Indians. The requirements of §410 herein shall apply to all subcontractors awarded by a tribal, federal or state direct contractor or grantee whether or not the prime contract was subject to these requirements. All covered

entities shall comply with the rules, regulations, guidelines and orders of the Commission which set forth the specific obligation of such entities in regard to Indian preference in contracting and subcontracting. The Commission shall establish a system for certifying firms as Indian preference and local Indian preference eligible.

[HISTORY: Law No. 93-05, January 23, 1993.
Amended Ordinance Number 12-20, October 27, 2012]

Section 410. Indian Preference; Hiring Regulations.

The Commission shall promulgate regulations which impose numerical hiring goals and timetables that specify the minimum number of Indians an employer must hire, by craft or skill level or which establishes percentage hiring goals by craft or skill level for specified employment fields.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 411. Training.

Employers subject to the provisions of the Seminole Nation Employment Rights Act herein shall establish or participate in such training program as the Commission deems necessary to increase the pool of Indians eligible for employment within or outside the territorial jurisdiction of the Seminole Nation.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 412. Hiring Hall.

The Seminole Nation Employment Rights Office is authorized to establish in conjunction with the Nation's tribal employment and training program a hiring hall in or skills bank, and impose a requirement that no covered employer may hire a non-Indian until the Nation's hiring hall or bank has certified that no qualified Indian is available to fill the vacancy, with a first preference in referral to local Indians.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 413. Job Qualifications.

No employer subject to the provisions of the Seminole Nation Employment Rights Act shall use job qualification criteria or other personnel requirements that serve as barriers to Indian employment as a reason for non-compliance with Indian preference, unless the employer can demonstrate that such criteria or requirements are required by business necessity.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 414. Religious Freedom.

Employers shall make a reasonable accommodation to the religious beliefs of Indian workers in accordance with guidelines to be developed by the Seminole Nation Employment Rights Office and approved by the Commission.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 415. Compliance of Act by Unions.

Every union with a collective bargaining agreement with an employer must file a written agreement stating that the union will comply with Title 11, §401 et seq. of the Code of Laws of the Seminole Nation and with the rules, regulations and orders of the Commission. Until such agreement is filed with the Seminole Nation Employment Rights Office and the Commission, the employer may not commence work within the territorial jurisdiction of the Seminole Nation of Oklahoma. The Commission will provide a model union agreement for use by all unions who have a collective bargaining agreement with any employer. Every union agreement with an employer or filed with the Commission must provide:

(a) Indian Preference.

The union will give preference to Indians in job referrals regardless of which union referral list they are on.

(b) Cooperation with the Commission.

The union will cooperate with the Commission in all respects and assist in the compliance with, and enforcement of, the Seminole Nation Employment Rights Act and related regulations and agreements.

(c) Registration.

The union will establish a mechanism allowing Indians to register for job referral lists by telephone or mail.

(d) Training Programs.

The union will establish a journeyman upgrade and advanced apprenticeship program.

(e) Temporary Work Permits

The union will grant temporary work permits to Indians who do not wish to join the union.

(f) Recognition of Unions.

Nothing herein or any activity by the Commission authorized hereby shall constitute official tribal recognition of any union or tribal endorsement of any union activities within the Seminole Nation of Oklahoma.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 416. Employment Rights Fee.

An Employment Rights Fee is necessary to raise revenue for the operation of the Seminole Nation Employment Rights Office, and is hereby authorized to be imposed by the Employment Rights Office as follows:

(a) Every covered employer or entity with a construction contract in the sum of \$75,000 or more shall pay a fee of 2% of the total amount of the contract; however, Seminole Nation housing Rehabilitation contracts, Housing Improvement Program contract and Seminole Nation Maintenance contracts shall be exempt from this fee. Such fee shall be paid by the employer or entity prior to commencing work in the Nation's territorial jurisdiction. However, where good cause is shown, the Director may authorize a construction contractor to pay said fee in installments.

(b) Every covered employer or entity, other than construction contractors, with five (5) or more employees working within the Nation's territorial jurisdiction with gross sales of \$1,000 or more shall pay a quarterly fee of 2% of his employees quarterly payroll which shall be paid within 30 days after the end of each quarter.

(c) The fee shall be collected by the Seminole Nation Employment Rights Commission. The Commission shall provide for an efficient and orderly fee collection process.

[HISTORY: Law No. 93-05, January 23, 1993;
Amended by Ordinance 2004-13, March 6, 2004.
Amended Ordinance Number 12-20, October 27, 2012
Amended Ordinance Number 2013-10; June 2, 2013]

Section 417. Reporting and On-Site Inspections.

Employers shall submit reports, and other information requested by the Commission. The Commission and its representative shall have the right to make on-site inspections during regular working hours in order to monitor any employer's compliance with the Employment Rights Act and rules, regulations and orders of the Commission. The Commission shall have the right to inspect and copy all relevant records of any employer, or any signatory union or subcontractor and shall have a right to speak to workers and conduct investigations on job sites.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 418. Complaints.

(a) Parties Entitled to File Complaint.

The following shall have a right to file a complaint:

(1) Director.

If the Director has cause to believe that an employer, contractor, subcontractor, or union has failed to comply with the Seminole Nation Employment Rights Act or any rules, regulations or orders of the Commission, it may file a complaint and notify such party of the alleged violations.

(2) Individual Indian.

If any Indian believes that an employer has failed to comply with the Seminole Nation Employment Rights Act or rules, regulations or orders of the Commission, or believes he has been discriminated against by an employer because he is an Indian, he may file a complaint with the Director specifying the alleged violation. If any employer fires, lays off, or penalizes in any manner, any Indian employee for utilizing the individual complaint procedure, or any other right provided herein, the employer shall be subject to the penalties provided in §421 herein.

(3) Employer or Union Complaint Procedure.

If an employer or union believes that any provision of the Seminole Nation Employment Rights Act or any rules, regulation or order of the Commission is illegal or erroneous, it may file a complaint with the Commission specifying the alleged illegality or error.

(b) Contents of Complaint.

The complaint shall be in writing and shall provide such information as is necessary to enable the Director to carry out an investigation.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 419. Investigations.

(a) Investigation Deadline.

The Director shall within thirty (30) days of the date on which a complaint is filed complete an investigation of every complaint unless the Director requests and is granted an extension by the Commission, which shall be for no more than thirty (3) days.

(b) Investigatory Authority of Director.

The Director or his delegate may enter, during business hours, the place of business or employment of any employer for the purpose of such investigations, and may require the covered employer or entity to submit such reports as he deems necessary to monitor compliance with the requirements of Title 11, § 3 herein and any rule or order hereunder. When requesting any reports or other information from a covered employer, the Director shall request that the covered employer identify all material which contains trade secrets or privileged or confidential commercial, financial, or employment information. Any material so identified shall be kept confidential by the Director unless, on the request of the Director or other interested

party, the Commission determines that the material does not contain confidential information, the release of which would cause unnecessary or excessive business or financial injury or would invade individual privacy. If upon investigation, the Director has reason to believe a violation has occurred, he shall proceed pursuant to the provisions of §423 herein.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 420: Investigatory Powers of Director and Commission.

(a) Power to Require Testimony and Production of Records.

For the purpose of investigations or hearings which, in the opinion of the Director or the Commission, are necessary and proper for the enforcement of Title 11, Chapter 4 herein, a Commissioner, the Director, or any field compliance officer designated by the Director may administer oaths or affirmations, subpoena witnesses, take evidence, and require, by citation, the production of books, papers, contracts, agreements or other documents, records or information which the Director or the Commission deems relevant or material to the inquiry.

(b) Confidentiality of Records.

Any state or federal tax records, trade secrets, or privileged or confidential commercial, financial, or employment information subpoenaed pursuant to this section or used in a compliance hearing or subsequent appeal to the Nation's District Court, shall be confidential records of the Commission or the said Court, shall not be opened to public inspection, and shall be used only by the Director, the Commission, parties to a compliance hearing or subsequent appeal to the Nation's District Court, and the District Court.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 421: Enforcement

(a) Notification of Violation.

When, after conducting an investigation, initiated by a complaint pursuant to §420 herein, the Director has reason to believe a violation of Title 11, Chapter 4 herein or regulations issued pursuant to it has occurred, the Director shall notify the covered employer or entity in writing, specifying the alleged violations. The Director may withhold the name(s) of the complaining party if he has reason to believe such party shall be subject to retaliation. The Director shall seek to achieve an informal settlement of the alleged violation. If he is unable to do so, he shall issue a formal notice of non-compliance, which shall also advise the covered employer or entity of his right to request a hearing.

(b) Formal Notice of Non-compliance.

The formal notice shall set out the nature of the alleged violation and the steps that must be taken to come into compliance. It shall provide the employer or entity with a reasonable time to comply, which in no event shall be less than five days from the date of receipt of such

notice, unless the Director has reason to believe irreparable harm will occur during that period, in which case the Director may require that compliance occur within fewer than five days.

(c) Request for Hearing.

If the party fails or refuses to comply, the party may request a hearing before the Commission which shall be held no sooner than five days and no later than thirty (30) days after the date for compliance set forth in the Director's notification to the party charged of a violation, unless an expedited hearing is deemed necessary by the Commission to avoid irreparable harm. If a party fails or refuses to comply and does not request a hearing, the Commission may proceed pursuant to §423(f).

(d) Bond During Pendency of Proceedings.

If the party requests a hearing pursuant to §423(c) herein, and the Director has good cause to believe that there is a danger that the party requesting the hearing will remove itself or its property from the jurisdiction of the Nation prior to the hearing, he may, in his discretion, require the party to post a bond with the Commission in an amount sufficient to cover possible monetary damages that may be assessed against the party at the hearing. If the party fails or refuses to post said bond, the Commission may proceed pursuant to §423(f). The Director may also petition the Nation's District Court for such interim and injunctive relief as is appropriate to protect the rights of the Commission and other parties during the pendency of the complaint and hearing proceedings.

(e) Conduct of Hearings.

Any hearing held pursuant to Section 423 herein shall be conducted by the Commission. Hearings shall be governed by the following rules or procedure:

(1) All parties may present testimony of witnesses and other evidence and be represented by counsel at their expense.

(2) The Commission may have the advice and assistance at the hearing of counsel provided by the Nation.

(3) The Chairman of the Commission or the vice-Chairman shall preside and the Commission shall proceed to ascertain the facts in a reasonable and orderly fashion.

(4) The Commission may consider any evidence which it deems relevant to the hearing, and conduct of the hearing shall be governed by the rules of practice and procedure which may be adopted by the Commission.

(5) The Commission shall not be bound by technical rules of evidence in the conduct of hearings, and no informality in any proceeding, as in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission.

(6) The hearing may be adjourned, postponed and continued at the discretion of the Commission.

(7) At the final close of the hearings, the Commission may take immediate action or take the matter under advisement.

(8) In any hearing before the Commission where the issue is compliance by an employer with any of the requirements and provisions of the Seminole Nation Employment Rights Act, the burden of proof shall be on the employer, rather than on the employee or other complainant, to show said compliance.

(9) The Seminole Nation Employment Rights Office shall notify all parties thirty (30) days after the last hearing of its decision in the matter.

(10) No stenographic record of the proceedings, and testimony shall be required except upon arrangement by, and at the cost of the party charged.

(f) Remedies Upon Commission Determination of Violation.

If, after the hearing, the Commission determines that the alleged violation occurred and that the party charged has no adequate defense in law or fact, or if no hearing is requested, the Commission may:

(1) Deny such party the right to commence business within the territorial jurisdiction of the Seminole Nation;

(2) Suspend such party's operations within the territorial jurisdiction of the Seminole Nation;

(3) Terminate such party's operation within the territorial jurisdiction of the Seminole Nation;

(4) Deny the right of such party to conduct any further business within the territorial jurisdiction of the Seminole Nation;

(5) Impose a civil fine on such party in an amount not to exceed \$500 for each violation, provided that each day during which a violation exists shall constitute a separate violation;

(6) Order such party to make payment of back pay to any aggrieved Indian;

(7) Order such party to dismiss any employees hired in violation of the Nation's employment rights requirements;

(8) Require employment promotion and training of Indians injured by the violation;

(9) Order the party to take such other action as is necessary to ensure compliance with Title 11, Chapter 4 of the Code of Laws of the Seminole Nation or to

remedy any harm caused by a violation of said chapter, consistent with the requirements of the Indian Civil Rights Act, 25 U.S.C. 1301 et seq.

(g) Commission Decision; Protection.

The Commission's decision shall be in writing, shall be served on the charged party by registered mail or in person no later than thirty days after the close of the hearing provided in §423(e). Where the party's failure to comply immediately with the Commission's orders may cause irreparable harm, the Commission may move the Nation's District Court, and the District Court shall grant, such injunctive relief as necessary to preserve the rights of the beneficiaries of Title 11, Chapter 4 herein, pending the party's appeal or expiration of the time for appeal.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 422. Appeals.

(a) Manner of Taking Appeal.

An appeal to the Nation's District Court may be taken from any final order of the Commission by any party adversely affected thereby. Said appeal must be filed with the Court no later than twenty (20) days after the party receives a copy of the Commission's decision. The appeal shall be taken by serving written notice of appeal with the Nation's District Court, with a copy to the Director, within twenty (20) days after the date of the entry of the order. The notice of appeal shall set forth the order from which appeal is taken; specify the grounds upon which reversal or modification of the order is sought; and be signed by the appellant.

(b) Stay of Commission Order Pending Appeal; Bond.

The order of the Commission shall be stayed pending the determination of the Nation's District Court, provided that such stay may be conditioned upon the posting of a bond if the Director petitions for a bond and the Court, for good cause shown, orders the appealing party to post a bond sufficient to cover monetary damages that the Commission assessed against the party or to assure the party's compliance with other sanctions or remedial actions imposed by the Commission's order if that order is upheld by the court.

(c) Standard of Review.

The Nation's District Court shall uphold the decision of the Commission unless it is demonstrated that the decision of the Commission is arbitrary, capricious or in excess of the authority of the Commission.

(d) Reversal on Appeal.

If the order of the Commission is reversed or modified, the Court shall by its mandate specifically direct the Commission as to further action in the matter, including making and entering any order or orders in connection therewith and the limitations, or conditions to be contained therein.

(e) Enforcement of Commission Order.

If the Commission's order is upheld on appeal, or if no appeal is sought within twenty (20) days from the date of the party's receipt of the Commission's order, the Commission shall petition the Court and the Court shall grant such orders as are necessary and appropriate to enforce the orders of the Commission and the sanctions imposed by it.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 423: Confiscation and Sale.

If, twenty-one (21) days after a decision by the Commission pursuant to §423(g), no appeal has been filed, or thirty (30) days after a decision by the Court on an appeal from a decision by the Commission pursuant to §424 a party has failed to pay monetary damages imposed on it or otherwise complied with an order of the Commission or the Court, the Commission may petition the Court to order the Nation's Police to confiscate, and hold for sale, such property of the party as is necessary to ensure payment of said monetary or to otherwise achieve compliance. Said petition shall be accompanied by a list of property belonging to the party which the Commission has reason to believe is within the jurisdiction of the Nation's District Court, the value of which approximates the amount of monetary damages at issue. If the Court finds the petition to be valid, it shall order the Nation's Police to confiscate and hold said property or as much as is available. The Nation's Police shall deliver in person or by certified mail, a notice to the party informing it of the confiscation and of its right to redeem said property by coming into compliance with the order outstanding against it. If thirty (30) days after confiscation the party has not come into compliance, the Court shall order the police to sell said property and use the proceeds to pay any outstanding monetary damages imposed by the Commission and all costs incurred by the Court and police in the confiscation and sale. Any proceeds remaining shall be returned to the party.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 424. Orders to Police.

The Nation's Police are hereby expressly authorized and directed to enforce such cease and desist or related orders as may from time to time be properly issued by the Commission and the Director. Such orders do not require a judicial decree or order to render them enforceable. The police shall not be civilly liable for enforcing such orders so long as the order is signed by the Director and the Commission. The Nation's Police shall not enforce a removal order of the Director unless it is accompanied by a judicial decree by the Nation's District Court.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 425. Publication of Law.

(a) The Commission shall notify all covered employers of the Seminole Nation Employment Rights Act and their obligation to comply. All bid announcements issued by any tribal, federal, state or other private or public entity shall contain a statement that the successful

bidder will be obligated to comply with the Seminole Nation Employment Rights Act and all rules, regulations and orders of the Commission.

(b) All tribal agencies responsible for issuing business permits for activities within the territorial jurisdiction of the Seminole Nation of Oklahoma or otherwise engaged in activities involving contact with prospective employers within the Seminole Nation of Oklahoma shall be responsible for advising such prospective employers of their obligations under the Seminole Nation Employment Rights Act and the rules, regulations and orders of the Commission.

(c) The Seminole Nation Employment Rights Office shall send a copy of the Seminole Nation Employment Rights Act to every employer doing business within the territorial jurisdiction of the Seminole Nation of Oklahoma.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 426. Compliance Plan.

As of the effective date of the Seminole Nation Employment Rights Act, no new employer may do business with the Seminole Nation of Oklahoma until it has consulted with the Seminole Nation Employment Rights Office for meeting its obligations under this law.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 427. Applicability

The Seminole Nation Employment Rights Act shall be binding on all covered employers whether or not they have previously operated on the lands within the territorial jurisdiction of the Seminole Nation and whether or not they are doing so at the time of the implementation of the Seminole Nation Employment Rights Act.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 428. Severability.

If any portion of the Seminole Nation Employment Rights Act shall be ruled invalid by a court of competent jurisdiction, that portion shall cease to be operative, but the remainder of the Act shall continue in full force and effect.

[HISTORY: Law No. 93-05, January 23, 1993.]

Section 429. Effective Date.

The Seminole Nation Tribal Employment Rights Act shall become effective from the date of its approval by the General Council of the Seminole Nation.

[HISTORY: Law No. 93-05, January 23, 1993.]

CHAPTER FIVE MOTOR VEHICLE OPERATION POLICY

Section 501. Purpose.

This Motor Vehicle Operation Policy (Policy) is to establish clear responsibilities for employees, supervisors, and managers, and to promote the safe and prudent operations of motor vehicles while performing assigned duties in support of the Tribe.

[HISTORY: Enacted by Ordinance TO-2008-08, April 8, 2008.]

Section 502. Definitions.

- (a) “Employee” means any permanent, temporary, intermittent, or contract employee.
- (b) “Motor Vehicle” means any motor vehicle owned, rented, or leased by the Nation, or privately owned, rented or leased, with a gross vehicle weight (GVW) of less than twenty-six thousand (26,000) pounds, designed to transport less than fifteen (15) people, and which does not haul hazardous materials or tow vehicles with a GVW of ten thousand (10,000) pounds or more (e.g. sedans, light trucks, sports utility vehicles (SUVs) and all-terrain vehicles (ATVs)).
- (c) “Motor Vehicle Operator” means an employee who drives a motor vehicle, including commercial motor vehicles, in the performance of their duties and responsibilities.
- (d) “Commercial Operator” means an employee who operates a commercial vehicle and is required to possess a Commercial Driver’s License (CDL).
- (e) “Commercial Motor Vehicle” a vehicle having a GVW rating of more than twenty-six thousand (26,000) pounds, a vehicle towing a trailer weighing 10,000 pounds or more, a vehicle hauling hazardous material which requires display signs noting the hazardous material content of the vehicle, a vehicle designed to transport fifteen (15) or more people including the driver, or a school bus. Operators of these vehicles must have a valid CDL.

[HISTORY: Enacted by Ordinance TO-2008-08, April 8, 2008.]

Section 503. Driver Qualifications.

An Employee with a valid employee ID card may be authorized to drive on Tribal business if he or she satisfies the following requirements:

- (a) is eighteen (18) years of age or older;
- (b) possesses a valid State driver’s license;
- (c) possesses the requisite experience needed to drive the type of vehicle being assigned or used.
- (d) has received no convictions or uncontested citations within the three-year period immediately preceding their submittal of the Seminole Nation Driving Request Form, Motor

Vehicle Operator's License and Driving Record, for Reckless Driving, Driving While Intoxicated (DWI), Driving Under the Influence (DUI) or Leaving the Scene of an Accident.

(e) has not demonstrated a pattern of unsafe driving or behaviors (e.g. drug or alcohol abuse, unusual aggression, etc.) that would cause a supervisor to question the likelihood that the individual will drive safely and prudently while on Tribal business.

(f) possesses current Motor Vehicle Operators Authorization from his/her supervisor.

(g) consents to no usage of a cellular phone while operating a motor vehicle.

[HISTORY: Enacted by Ordinance TO-2008-08, April 8, 2008.]

Section 504. Roles and Responsibilities.

(a) Chief of Staff, Program Directors, Supervisory Staff, and Program Managers are responsible for carrying out the requirements of this policy within their areas of responsibility.

(b) Managers, supervisors, and Program Directors must:

(1) Carefully consider whether duties and responsibilities assigned to an employee require the operation of a Tribe-owned or Tribe-leased motor vehicle, commercial motor vehicle, rental motor vehicle, or privately-owned or privately-leased motor vehicle in the performance of official or contractual duties, responsibilities or activities, including duties of record and other duties assigned or historically assigned to such positions or activities.

(2) Ensure that each Tribal Motor Vehicle Operator under their supervision possesses a valid driver's license that indicates State authorization to operate the class of vehicle required in the performance of duties. This responsibility is met by ensuring each employee completes the annual Authorization Process described in Section 7 of this Policy, which includes a requirement to conduct an annual review of the employee's current license and a current motor vehicle driving record. If at any time the supervisor has a concern with an employee's driving record, he or she will initiate a review of the employee's driving record. Failure to meet this responsibility may result in disciplinary action against the supervisor.

(3) Ensure that all term contracts and commercial contracts under their administration, at the time of contract renewal, include certification from the contractors certifying that they will self-administer and ensure compliance with the requirements of this policy.

(4) Based on available information, ensure no authorization is given to individuals with restricted driving privileges (i.e., home to work licenses).

(5) Ensure that no Motor Vehicle Operator is permitted to operate a Tribe owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle and/or

privately owned or leased motor vehicle in the performance of official duties while:

(A) intoxicated by ingesting controlled substances or consuming intoxicating beverages, including any impairment resulting from the use of prescription or over-the-counter drugs; or

(B) impaired by a medical or physical condition, (c) uses a cell phone while operating the motor vehicle, or other factor that affects his/her motor skills, reaction time, or concentration.

(6) Immediately terminate driving privileges for a Motor Vehicle Operator who is:

(A) Arrested for, charged with, or convicted of Reckless Driving, Driving While Intoxicated (DWI), or Driving Under the Influence (DUI).

(B) Arrested for, charged with, or convicted of a criminal offense related to a traffic incident involving alcohol or drugs, including but not limited to vehicular homicide, vehicular manslaughter, or endangerment.

(C) Disqualified from holding a State driver's license, including restriction, suspension, revocation, or cancellation of a State driver's license for the type and class of vehicle operated.

(D) Upon request, fails to provide a valid CDL medical certificate.

(E) Loaning of the vehicle to an employee or a non-employee who is not eligible for driving privileges.

(F) Uses a cellular phone while the motor vehicle is in operation.

(c) Supervisory Staff will take appropriate action when a Motor Vehicle Operator:

(1) Is convicted for operating a motor vehicle under the intoxicating influence of alcohol, narcotics, or pathogenic drugs.

(2) Is convicted of leaving the scene of an accident without making his or her identity known.

(3) Is not qualified to operate a Tribe owned or leased vehicle safely because of a physical or medical condition.

(4) No longer possesses a State license by revocation or suspension.

(5) Fails to report incidences noted in paragraph 6 above to his or her supervisor.

(6) Exhibits behaviors inconsistent with the safe and prudent operation of a motor vehicle.

(7) Where appropriate, recommend the Alcohol & Substance Abuse Program (ASAP) and other programs to employees whose performance appears impaired by the use of controlled substances, prescription drugs, or intoxicating beverages.

(8) Take appropriate actions to investigate allegations of employee's alcohol or drug abuse problem or a history of unsafe driving, regardless of whether or not the employee has ever been charged with an offense. Supervisors may at their discretion, consider a pattern of unsafe driving acts as a factor in determining whether an employee meets driver qualifications. (For example, an employee is convicted of DWI or other unsafe driving practices over a 10 year period, with DWI arrest longer than three-years preceding their submittal of a Seminole Nation Driving Request Form, Motor Vehicle Operator's License and Driving Record).

(d) Employees, generally, have responsibility to inform supervisors of operator incidences or behaviors that would be considered covered by this policy or represent unsafe driving behavior. All employees share an affirmative duty to ensure our vehicles are used properly by responsible individuals who have a high regard for both personal and public safety while operating a Tribal vehicle.

[HISTORY: Enacted by Ordinance TO-2008-08, April 8, 2008.]

Section 505. Operator Requirements.

Motor Vehicle Operators must:

(a) Comply with State, local and tribal traffic laws and the lawful instruction of emergency and law enforcement personnel.

(b) Abstain from ingesting controlled substances, intoxicating beverages, prescription drugs or other medications that caution against operating a motor vehicle when taken, to avoid being impaired.

(c) Not transport intoxicating beverages, controlled substances, or any passenger who is in possession of intoxicating beverages or controlled substances without written approval of immediate supervisor. Exceptions to this prohibition are allowed for social services, emergency, and law enforcement personnel whose duties and responsibilities require otherwise.

(d) Not transport unauthorized passengers in a Tribe owned or leased motor vehicle.

(e) Report to his/her supervisor any medical or physical condition, including the use of controlled substances, prescription or over-the-counter drugs, which may impair the driver from the safe operation of a motor vehicle.

(f) Successfully complete motor vehicle safety training at least every three years.

(g) Notify their supervisor if their State driving privileges are restricted, suspended, revoked, or canceled, or if they have been otherwise disqualified from holding a license. Employees are also responsible for reporting any situation that may alter their authorization or

ability to operate a motor vehicle, such as any legal or court ordered suspension of driving privileges or any limiting medical conditions.

(h) Report all incidents involving a Tribe owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle, or a privately owned or leased motor vehicle that occur during the performance of their official duties.

(i) Report all on-duty incidents involving a Tribe owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle, or a privately owned or leased motor vehicle that could result in a violation, citation, charge, arrest, warrant, or civil action.

(j) Report all incidents involving a Tribe owned or leased motor vehicle, commercial motor vehicle, rental motor vehicle, or privately owned or leased motor vehicle and the use of controlled substances or intoxicating beverages; impairment resulting from prescription or over-the-counter drugs, illness, or medical condition; or other factors that impair concentration, motor skills or reaction time.

(k) Report any restriction, suspension, revocation, or cancellation of their driver's license, for any length of time, or any disqualification from holding a State, commercial, or international operator's license.

(l) Notify supervisors of these incidents no later than the following business day after their occurrence. Failure to inform the supervisor of any such situation may subject employees to disciplinary action.

Section 506. Authorization Procedures.

(a) All employees and term contract employees whose job requires operation of a motor vehicle must annually request authorization to operate a motor vehicle in carrying out the duties of their positions.

(b) All employees and term contract employees must annually submit to their supervisor a Seminole Nation Driving Request Form, Motor Vehicle Operator's License and Driving Record to renewal. In completing the form, individuals will provide a response to all questions (Section II) and certify that their statements are true and correct to the best of their knowledge (Section III).

(c) Supervisors will review the Driving Request Form for accuracy and completeness, complete and sign Section IV – Supervisory Review, and forward to the appropriate safety office for the receipt of application.

(d) The appropriate safety office will review the submitted forms and request a copy of the applicant's driving record from the appropriate State motor vehicle office(s) and if appropriate and where feasible, the tribal court where employees primarily operate motor vehicles within that tribal jurisdiction.

(e) Upon a receipt of a favorable review of the driving record, the safety officer will complete Section V – Certification of Eligibility and Authorization, sign and date, certifying that the individual meets Tribal driver qualifications.

(f) Supervisors are reminded that they may be personally liable if they authorized an employee to operate a motor vehicle on Tribal business if an employee is determined not to be qualified by virtue of failing to meet qualification standards.

[HISTORY: Enacted by Ordinance TO-2008-08, April 8, 2008.]

Section 507. Failure to Report Incidents Involving Motor Vehicles.

Failure of the motor vehicle operator to report such incidents of traffic citations or accident violations to the supervisor as soon as possible after the occurrence, but no later than the next business day may result in disciplinary or other adverse action.

[HISTORY: Enacted by Ordinance TO-2008-08, April 8, 2008.]

Section 508. Motor Vehicle Operation Policy Guidance.

(a) All positions must include a determination, in consultation with the appropriate Human Resources Office, of whether the incumbent of the position will be required to have a valid driver's license, possibly with endorsements, because of the requirement that they regularly operate Tribal vehicles or equipment to perform the duties of the position they encumber. Alternately, certain positions that may require occasional driving, but not regular driving must be designated as such. The following conditions apply to positions that require regular driving and the position descriptions for these positions must incorporate these requirements:

(1) Applicants for such positions cannot be officially hired until it is determined that their driving record would not preclude their driving of Tribal vehicles. This shall be based on a review of an applicant's driving record; the applicant will provide an original abstract or document evidencing their current driving record from their state of residence for which the applicant is responsible for the cost.

(2) Incumbents of such positions who cannot be authorized to drive because of a conviction for an offense listed in Section III. B. 6. of the Policy, cannot remain in the position they encumber and necessary corrective action must be taken to resolve the employee's inability to drive. The determination of the appropriate corrective action shall be made in consultation with the Human Resources Office.

(3) The driving privileges of incumbents of such positions arrested for an offense listed in Section III. B. 6 shall have their driving privileges immediately terminated.

(b) Reckless driving convictions or arrests resulting from a drug or alcohol related offense require compliance with the wording of the Policy in Section III. B. 6. Reckless driving offenses unrelated to drugs or alcohol will be considered as not requiring mandatory termination of driving privileges, but under the standard of whether or not the supervisor determines the

employee is an unsafe driver based upon the employee's driving or criminal record for the 10-years preceding submittal of the Driving Request Form, that would cause a supervisor to question the employee's ability for safe and prudent driving while on Tribal business.

(c) If a Motor Vehicle Operator's driving privileges are terminated upon a DUI charge pending conviction and if the Operator cannot perform required job duties without driving, the employee may be temporarily accommodated, if practical, through:

(d) Temporary revision of job duties (A revision of job duties will be deemed practical if the employee can perform the majority of job duties without driving).

(e) A temporary re-assignment to an available position that does not require driving (a determination of practicability for re-assignment will be whether or not the employee meets minimum qualifications for re-assignment to an available position).

(f) Administrative leave only if a revision of job duties or a re-assignment is not practical due to a concern that the employee would potentially cause harm to Tribal equipment, records or other individuals.

(g) An indefinite suspension of the employee if the charge could result in the employee facing imprisonment (incarceration in a State, Federal or Tribal facility for any length of time).

(h) A reasonable time frame for a temporary revision of duties, re-assignment, administrative leave or suspension period is 120 days. If the charge causing the termination of driving privileges is not resolved within 120 days, the employee's supervisor will consult with the Human Resources Office to initiate corrective action.

(i) Upon a final conviction of an employee that must drive to perform job duties and therefore no longer meets the requirements of the position the employee permanently encumbers, the supervisor will commence taking corrective action by contacting their servicing Human Resources Office.

(j) If the charge is defeated, the employee will be reinstated to original position with driving privileges restored, provided the employee does not have other arrests or convictions that would preclude them from being authorized to drive. If the employee had been on an indefinite suspension, the employee will not be compensated for wages lost. (Practice as supported by case history is someone on indefinite suspension does not get back pay if returned to duty.)

(k) No supervisor may authorize/allow an employee to drive/operate any Tribal vehicle without the written concurrence of the appropriate Safety Officer.

(l) The Policy requires managers and supervisors to "ensure that all term contracts and commercial contracts under their administration, at the time of contract renewal, include certification from the contractors certifying that they will self-administer and ensure compliance with the requirements of this policy." For P.L. 638 Contacts and Self-governance compacts, the Policy does not apply unless the contract includes a provision mandating compliance with the Policy.

(m) While a Tribal Court has no ability to revoke a State issued driver's license, all employees are required to report all driving related charges and/or convictions in Tribal Courts on the Driving Request Form. The appropriate safety office will review the submitted forms and request the applicant's driving record from the appropriate State motor vehicle office and appropriate Tribal Court. If the Tribal court refuses to provide the applicant's driving record to the safety office, the safety office will request that the employee/applicant submit a written request to the appropriate Tribal court within 10 days of the safety office's request. The employee/applicant must provide a copy of the written request to the safety office also with 10 days. A failure or inability to obtain actual court records will not preclude taking corrective action for an arrest or conviction, an employee's report of such an offense is sufficient to proceed with corrective action.

(n) The Policy mandates that managers and supervisor must:

(1) Carefully consider whether driving is necessary for all positions and amend position descriptions accordingly.

(2) Ensure that each Tribal Motor Vehicle Operator meets requirements for authorization while on Tribal business.

(3) Conduct annual review of the employee's current license and current motor vehicle driving record.

(4) Enforce the Policy.

(o) Any manager or supervisor who fails to comply with the requirements and enforcement provisions of this Policy will be subject to disciplinary action or adverse action.

(p) The following reporting requirement for all supervisors is immediately imposed; supervisors will report within one business day, through their chain of command, any and all arrests or convictions of a subordinate employee that impacts; their ability to operate a Tribal vehicle. Each Program Director will maintain an active listing of affected employees, which shall be readily available, with a current updated status.

[HISTORY: Enacted by Ordinance TO-2008-08, April 8, 2008.]

CHAPTER SIX TRAVEL POLICY

Section 601. Purpose.

The purpose of this Chapter is to establish general travel policies for the Seminole Nation of Oklahoma. These general policies provide overall direction for the development of detailed financial management and reporting requirements for travel on official business of the Seminole Nation.

[HISTORY: Enacted by Ordinance TO-2008-09, April 8, 2008;
Amended by TO 2013-11, October 26, 2013]

Section 602. Applicability.

This Chapter applies to every entity of the Seminole Nation except for business enterprises established under Title 8 of the Seminole Nation Code of Laws.

[HISTORY: Enacted by Ordinance TO-2008-09, April 8, 2008;
Amended by TO 2013-11, October 26, 2013]

Section 603. References to Other Law.

The policies are based on the following as they apply:

- (a) Seminole Nation of Oklahoma Code of Laws Title 14, Section 204(b)(2)
- (b) 5 U.S.C. §§ 5701-5711, Travel and Subsistence Expenses; Mileage Allowances
- (c) 41 CFR 300-304, Federal Travel Regulation

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 604. Definitions.

- (a) “Finance Committee” means the committee established pursuant to Title 14, Chapter Two, Seminole Nation Code of laws.
- (b) “Per Diem Allowance” means a daily payment instead of reimbursement for actual expenses for lodging, meals, and related incidental expenses.
- (c) “Travel Expenses” means costs for transportation, lodging, subsistence, and related items incurred by individuals who are in travel status on official business of the Seminole Nation.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 605. Travel Regulations.

To implement the policies set forth in this Chapter, the Finance Committee (as authorized by Title 14, Section 204(b)(2) of the Seminole Nation Code of Laws) shall establish Seminole Nation travel policies and regulations consistent with the policies in this Chapter and with any applicable requirements of federal law and regulations.

The Executive Department of the Seminole Nation shall be responsible for the design and maintenance of travel related forms, whether paper or electronic.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 606. Travel Policy Overview.

Except where provided otherwise in this Chapter, or in the policies and regulations prescribed pursuant to Section 605 of this Chapter, it is the policy of the Seminole Nation to comply with the requirements of the Federal Travel Regulation (TFR) and reimburse travel expenses based on the allowances stated therein.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 607. Permission to Travel.

Any travel for official Tribal business must have prior approval by appropriate supervisory personnel.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 608. Travel Contact Person.

The Seminole Nation Procurement Office will serve as the primary contact for all travel arrangements, including airfare, lodging, and conference/meeting registration.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 609. Travel Advances.

- (a) Upon the request of any traveler, an advance may be made for individual travel expenses related to authorized travel.
- (b) Travel advance requests shall be approved by appropriate supervisory personnel.
- (c) Travel advances shall be limited to per diem and mileage allowances, plus other anticipated travel expenses that are necessary and reimbursable.
- (d) Except as provided in paragraph (e) below, travel advance requests shall be submitted in a timely manner that allows sufficient time for processing the request before the scheduled travel start date.

- (e) Advances for unanticipated travel are permitted under the following conditions:
 - (1) Funds are available to pay for the travel advance;
 - (2) The trip is necessary and justified; and
 - (3) The Principal Chief, Assistant Chief, or the Designee specifically approves the travel Advance request and directs immediate processing of the request.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 610. Recoupment of Travel Advances.

- (a) Travel advances are prepayments of estimated travel expenses, and any traveler receiving a travel advance shall account for the advance upon completion of the travel.
- (b) The traveler shall submit a travel expense report justifying the expenditure of the advance within five (5) business days from the date of the traveler's return.
- (c) A sum advanced and not used for allowable travel expenses shall be repaid to the Nation. The balance due the Nation may be recovered by deduction from any amount due the traveler, including payroll, and by any other method provided by law.
- (d) Any traveler who has received an advance and fails to submit an expense report will result in the total cost of the trip (mileage, per diem, lodging, airfare, registration fee, etc.) being deducted from his/her payroll or from any other amounts due to the traveler.
- (e) If an individual receives a travel advance, but the related travel is not performed, the full amount of the advance must be repaid promptly.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 611. Allowances and Reimbursements Authorized.

- (a) Per Diem
 - (1) An individual traveling on official Tribal business and in travel status for more than twelve (12) hours will be paid a per diem allowance.
 - (2) Per Diem allowance shall not exceed the maximum rates and amounts established pursuant to 5 U.S.C. §§ 57001-5711.
 - (3) Except as provided otherwise in this Chapter, per diem allowances shall be calculated using Federal Travel Regulation (FTR) methods.
- (b) Meals and Incidental Subsistence Expenses

- (1) Meals and incidental subsistence expenses will not be reimbursed when no overnight lodging is required, but the traveler will be allowed to claim travel mileage.
- (2) Meals and incidental subsistence expenses are reimbursed when lodging is required. Allowances paid will be calculated using the FTR.
- (3) No receipts are required for meals and incidental expense allowances claimed.

(c) Travel by Privately Owned Vehicle

- (1) Reimbursement for travel by privately owned vehicle will be permitted when authorized and will be reimbursed at the current rate per the FTR.
- (2) Estimated mileage will be based on map mileage. Mileage will be paid on the shortest distance to and from the starting point.
- (3) Any traveler requesting reimbursement for travel by privately owned vehicle shall have a valid driver's license and must submit a copy of the license upon request.

(d) Lodging

- (1) Lodging will be reimbursed not to exceed the maximum lodging amounts allowed by the FTR unless lodging is at a designated location for the conference or meeting.
- (2) Travelers are authorized to obtain single rooms, where two or more travelers are authorized to obtain single rooms. Where two or more travelers, by their choice, stay in one room, only one will be reimbursed lodging expense.
- (3) Travelers will be reimbursed for public lodging such as motels or hotels. Reimbursement for lodging in personal residences is unallowable.

(e) Airfare

- (1) Except as provided in paragraph (2) below, travel by air will be reimbursed at coach or economy rates only.
- (2) Airfare costs in excess of coach or economy rates are allowable and reimbursable when coach or economy class travel would require circuitous routing, require travel during unreasonable hours, excessively prolong travel, result in additional costs that would offset the transportation savings, or offer accommodations not reasonably adequate for the traveler's medical needs.

- (3) The traveler shall document the conditions that justify the use of other than coach or economy class airfare on a trip-by-trip basis. However when use of other than coach is necessary to accommodate a medical disability or other special need, the disability may be certified annually in a written statement by a competent medical authority. If the disability is a lifelong condition, then a one-time certification statement is required.

(f) Rental Car

- (1) Reimbursement for rental car costs requires prior approval. Justification for use of a rental car must be provided with the travel request.

- (2) Receipts are required to substantiate rental car cost and related expenses, e.g., fuel cost.

(g) Taxi/cab fare, shuttle fare will be reimbursed with receipts.

(h) Parking, bridge, road, and tunnel fees will be reimbursed with receipts.

[HISTORY: Enacted by Ordinance TO 2013-11,

Section 612. Applicability.

Documentation to substantiate expenses claimed on the travel expense report shall be submitted along with the expense report. The Finance Committee shall prescribe regulations that identify the type of documentation required to substantiate each type of travel expense.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

Section 613. Additional Provisions of Travel Policy.

(a) If the traveler does not travel by the method of transportation required by regulation or selected by the Nation, any additional expenses incurred will be the responsibility of the traveler.

(b) Reimbursement for tips shall not exceed rates and/or amounts established by the Finance Committee.

(c) Travel shall be by the method most advantageous to the Nation, when cost and other factors are considered. If air travel has been determined to be the most advantageous method and if the traveler chooses to drive rather than fly, then the actual cost cannot exceed the most economical airfare ascertained by the travel contact person.

[HISTORY: Enacted by Ordinance TO 2013-11, October 26, 2013]

CHAPTER SEVEN
HEAD START/EARLY HEAD START PROVISIONS

Section 701. Definitions.

- a. Director” shall mean the Director of the Seminole Nation of Oklahoma Early Childhood Services Program, including Head Start and Early Head Start.
- b. “Head Start” shall mean the Seminole Nation of Oklahoma Early Childhood Services Program, including Head Start and Early Head Start.
- c. “Human Resources” shall mean the Seminole Nation Human Resources Department.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 702. General Provisions.

- a. Except as provided in this Chapter or in its Policies and Procedures Manual approved by the General Council, the Headstart Program shall abide by this Title 11 and the Nation’s Labor Laws as approved by the General Council or designated subordinate body as such policies may be amended from time to time; and
- b. In an effort to promote shared governance, the Seminole Nation Head Start/ Early Head Start Policies and Procedures shall be developed in consultation with and approval of both the Seminole Nation Head Start Policy Council and the Seminole Nation Personnel Board; and
- c. Head Start employees shall be bound by the Policies and Procedures Manual as approved by the Seminole Nation General Council; and
- d. As with other Seminole Nation departments, Head Start employees are subject to a probationary period and, both during and after the probationary period, are considered “at-will” employees; and
- e. To the extent any provision of this Title or Chapter or applicable policies conflict with applicable federal law, such federal law shall control.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 703. Employment Preference.

As required by 45 CFR 1304.52(b)(3), Head Start shall afford a hiring preference to all qualified

current and former head start parents. If no current or former head start parent applies for an available position, or if no current or former head start parent meets or exceeds the minimum qualifications for the position, then Head Start shall abide by the Nation's existing hiring preferences.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 704. Recruitment and Selection.

- a. Notices of vacancies shall be published by Human Resources in accordance with the Seminole Nation's policies.
- b. Copies of vacancy notices shall also be provided by Human Resources to be posted at all Centers by the respective Center Supervisor.
- c. The Director shall provide each Policy Council Representative with a copy of vacancy notices to implement the process of recruiting Head Start/Early Head Start parents and guardians to apply for jobs for which they are qualified.
- d. Applications shall be submitted to Human Resources and must be accompanied by the applicant's driver's license, credentials/certifications, and resume (if applicable). Applicants who are claiming "Indian Preference" must also include copies of CDIB/Tribal Enrollment Cards.
- e. Human Resources shall submit those qualified applicants to the Seminole Nation Head Start Director for ranking and screening according to applicable Head Start job descriptions.
- f. Applications for a Head Start Director shall be submitted to the Principal Chief.
- g. The Director may interview only those candidates who meet the minimum qualifications for the advertised position. Participants in the interview process shall include the Head Start Program Director and such other individuals as may be reasonably necessary, including (but not limited to) Human Resources representative, Content Area Manager, Center Supervisor (if applicable), or a Policy Council Representative.
- h. Each interviewee will be provided a job description for the position he or she has applied prior to beginning the interview.
- i. The Director, in consultation with the Interview Panel, will select the best applicant for employment. The successful applicant shall be notified and required to submit such additional documentation as necessary to complete the employee's file. The Director shall notify Human Resources of the successful candidate within one (1) working day after interviews are conducted.

- j. Unsuccessful applicants shall be notified in writing by Human Resources within five (5) working days after interviews have been completed. Copies of application materials shall be returned to Human Resources for consideration in future vacancies.
- k. The successful Candidate shall not be permitted to begin new employee orientation until his or her employment file is complete and the applicant has successfully passed a background check, health screening and a drug test. Specifically, the successful applicant must complete the following:
 - 1. Drug Test
 - 2. Initial health examination that includes screening for tuberculosis, X-ray if testing positive for TB, and physical examination. A program-approved Health Record Form will be used. A health examination must be completed annually.
 - 3. OSBI and DHS Background Check submitted by the Head Start/Early Head Start Program
 - 4. FBI Background Check submitted by the Seminole Nation Human Resource Department.
 - 5. Child Care Staffing Forms.
- l. The successful Candidate shall be required to provide a signed Declaration of Background Information stating that he or she has not been charged with or entered a plea of guilty or nolo contendere (no contest), or been convicted of the following:
 - 1. Any criminal activity involving violence against a person;
 - 2. Child abuse or neglect;
 - 3. Possession, sale or distribution of illegal drugs;
 - 4. Sexual misconduct; or
 - 5. An act of gross irresponsibility or disregard for the safety of others or a pattern of criminal activity.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 705. Temporary Hires.

- a. The regular work force may be supplemented as needed with temporary employees or other forms of flexible staffing as otherwise provided by the Seminole Nation of Oklahoma Personnel Policy Manual or other applicable policy.

- b. The hiring of temporary employees must be approved in accordance with the Seminole Nation's Policies and Procedures, but the hiring process shall not require advertisement in local media.
- c. Although temporary employees may be hired on an expedited basis, all temporary hires must successfully pass all background, health and drug screening required of other job candidates.
- d. If a position filled by a temporary employee is one requiring a permanent employee, the Director shall commence the recruitment and advertising process for the position within thirty business days and shall provide the temporary employee the opportunity to apply and interview with other candidates.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 706. Termination Procedures.

The Head Start Policy Council will be notified of all terminations of a Head Start employee during the regular Head Start Policy Council meeting.

Head Start/Early Head Start employees may be subject to discipline or immediate termination for following non-exclusive violations, not limited to:

- a. Any breach of confidentiality.
- b. Violation of the dress code.
- c. Violation of Seminole Nation drug and alcohol policies, including a positive drug test.
- d. Employees who do not fully complete any required drug or alcohol counseling or treatment.
- e. Violation of the Seminole Nation Head Start/ Early Head Start Policies and Procedure Manual.
- f. Violation of federal Head Start/ Early Head Start regulations.
- g. Violation of the Seminole Nation Code of Laws.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 707. Appeals

Federal regulations require an internal dispute resolution process for Head Start Programs. This internal dispute resolution process shall not include terminations. Seminole Nation Head Start

and Early Head Start employees do not have appeal rights to the Seminole Nation Personnel Board or the Seminole Nation District Court; however, terminations may be appealed only to the Seminole Nation Head Start/Early Head Start Policy Council.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 708. Investigation of Child Abuse or Mistreatment.

- a. If any employee is suspected of engaging in the physical punishment, mistreatment, neglect or abuse of a child, the following, non-exclusive procedures shall apply:
 1. The Director shall conduct an immediate investigation upon receipt of any information indicating the possible mistreatment, neglect or abuse of a child.
 2. The Director shall report allegations/incidents to the Oklahoma Department of Human Services and/or Bureau of Indian Affairs-Child Welfare Office and the Seminole Nation Lighthouse for further investigation.
 3. The employee may be suspended during the course of the investigation.
 4. If the investigation confirms the allegations, the employee shall be immediately terminated without possibility of rehire.
- b. The same procedures shall also apply to any employee who is suspected of failing to report the physical punishment, mistreatment, neglect or abuse of a child.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

Section 709. Drug Testing.

The Seminole Nation Head Start/ Early Head Start Program may enact policies requiring more stringent drug testing than otherwise utilized by the Nation, either on its own initiative or as required by federal law.

[HISTORY: Enacted by Ordinance TO-2012-12, October 27, 2012.]

